

the amendment?

SENATOR LANDIS: Mr. Speaker, I support the Schmit amendment. I think it is a wise piece of legislation. It says, in essence, that if you are in a substantially equal population NRD that the NRD can have subdistrict elections, meaning that the two people running against each other for nomination on the final ballot, on the general election ballot, would be elected on the basis of the votes inside that subdistrict. That can only happen when you are at substantially equal population, because otherwise Baker v. Carr, and the one man-one vote standards kick in. But it is important to have made the change that this amendment does from the way the idea was originally drafted because it used the word "equal" instead of "substantially equal", and that is because an allowable range of difference can occur, even in one man-one vote situations. The Renquist court, actually I guess you would have to say the Berger court, but with Justice Renquist's writing, indicated that you could have a variation between the smallest and the largest district by almost as much as 10 percent, which would not be defined as equal, but would be defined as substantially equal. So, it makes good sense to make that alteration. I think the amendment is well drafted to suit that purpose and should still bring us within the guidelines of constitutional parameters that exist in this area. So I will intent to support the Schmit amendment.

PRESIDENT: Senator Wesely, please, on the Schmit amendment, please.

SENATOR WESELY: Mr. President, members, I, too, would support the amendment and appreciate Senator Schmit's catching real problems with that amendment Senator Wehrbein and I had up last week. As we mentioned last week, there was some desire on some of the NRDs' part to have this option available to them. It wouldn't be used by hardly any of them, only a couple of them are even interested, but I guess the thought was if they wanted to they could. But the way we had drafted it last week we would have had, in fact, we had it all messed up and would have really had a problem. So I appreciate Senator Schmit catching those problems and that we didn't go ahead with it. One of those was that population thing, as Senator Landis said. You can't have equal population. You've got to have some variance or you are going to have a problem and you can't have exactly the same equal population. So I think that was a good change in recognizing that problem and some of the other ones that Senator Schmit and Senator Landis mentioned. So I would sure appreciate